

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:02-CR-244-BO

UNITED STATES OF AMERICA)
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v.)
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LAWRENCE ANTHONY PRIVETTE)

ORDER

This matter is before the Court on defendant's motion for early termination of his term of supervised release. [DE 29]. The government has responded in opposition, and the matter is ripe for ruling.

After pleading guilty to one count of conspiracy to distribute and possess with intent to distribute at least fifty (5) grams of cocaine base (crack), defendant was sentenced on March 25, 2003, to a term of 125 months' imprisonment followed by a term of five years' supervised release. [DE 10, 16]. Defendant began his term of supervised release in November 2011. Defendant now seeks early termination of his supervised release term, which is scheduled to end in November 2016. Defendant argues, among other reasons, that he has had not failed a single drug screen and has sustained employment. [DE 26].


Pursuant to 18 U.S.C. § 3583(e)(1), the Court may "terminate a term of supervised release and discharge the defendant" after the defendant has served one year of supervised release provided that certain conditions are met. First, the Court must consider certain factors set forth in 18 U.S.C. § 3553(a). Second, the Court may terminate supervised release only "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." § 3583(e)(1); *see also United States v. Pregent*, 190 F.3d 279, 283 (4th Cir. 1999) ("The conjunction 'and' used in the statute . . . clearly indicates that a district court must conclude that

the early termination of supervised release is warranted by both the individual's conduct and also by the interest of justice.").

Upon review of defendant's motion and consideration of the relevant § 3553(a) factors, the Court finds that defendant's supervised release term remains sufficient but not greater than necessary to serve the interests of justice. Accordingly, in its discretion, the Court declines to terminate defendant's term of supervised release early.

Defendant's motion is DENIED. [DE 26].

SO ORDERED, this 23 day of June, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE